

AMENDED IN ASSEMBLY APRIL 29, 2013

AMENDED IN ASSEMBLY APRIL 2, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 342**

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**Introduced by Assembly Member Blumenfield**

February 13, 2013

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An act to amend Sections 46300.8, 51745, 51745.6, ~~51747, and 51747.3 of, and to add Section 46300.9 to, and 51747 of~~ the Education Code, relating to online instruction and independent study.

### LEGISLATIVE COUNSEL'S DIGEST

AB 342, as amended, Blumenfield. Online instruction and independent study.

(1) Existing law establishes the public elementary and secondary school system in this state, and further establishes a funding system pursuant to which the state apportions funds to local educational agencies based on, among other factors, the average daily attendance of pupils at the schools operated by those agencies. Numerous statutes and regulations govern the calculation and reporting of average daily attendance.

Existing law, commencing with the 2014–15 school year, authorizes, for purposes of computing average daily attendance, the inclusion of pupils in grades 9 to 12, inclusive, under the immediate supervision and control of a certificated employee of the school district or county office of education who is delivering synchronous, online instruction, as defined, provided that this instruction meets specified criteria. Existing law requires, if a school district or county office of education elects to offer synchronous, online instruction, that the school district

or county office of education provide all pupils who choose to enroll in a synchronous, online course access to the computer hardware or software necessary for the pupil to participate in the course.

Existing law requires the Superintendent of Public Instruction to establish rules and regulations for purposes of implementing these provisions, and requires those rules and regulations to, at a minimum, address specified matters. Existing law also authorizes the Superintendent to provide guidance regarding the ability of a school district or county office of education to provide synchronous, online instruction. ~~These provisions become inoperative on July 1, 2019, and are repealed on January 1, 2020.~~

This bill would make these provisions applicable to technology-based synchronous instruction, as defined, rather than synchronous, online instruction. ~~The bill would also make this provision expressly applicable to charter schools. The bill would delete the language that renders the bill inoperative on July 1, 2019, and repeals it on January 1, 2020, thereby extending the operation of this provision indefinitely.~~

~~The bill would add provisions relating to attendance, supervision of pupils, evaluation, and other requirements for technology-based asynchronous instruction, as defined, to be included in the calculation of average daily attendance.~~

(2) Existing law authorizes the governing board of a school district or a county office of education to offer independent study to meet the educational needs of pupils in accordance with prescribed criteria. Existing law requires that not more than 10% of the pupils participating in an opportunity school or program, or a continuation high school, calculated as specified by the State Department of Education, be eligible for apportionment credit for independent study.

This bill would ~~instead~~ require the calculation to be based on the prior year average daily attendance reported to the department.

(3) Existing law requires the ratio of average daily attendance for independent study pupils 18 years of age or less to full-time equivalent certificated employees responsible for independent study to not exceed a specified ratio.

This bill would authorize a school district or a county office of education to establish a different ratio of average daily attendance for independent study pupils 18 years of age or less to full-time equivalent certificated employees responsible for independent study through a locally bargained agreement.

(4) Existing law provides that a school district or county office of education is not eligible to receive apportionments for independent study pupils unless it has adopted and implemented certain policies, including, but not limited to, policies related to the maximum length of time that may elapse between the time an independent study assignment is made and the date by which the pupil must complete the assigned work, the number of missed assignments that will be allowed before an evaluation is conducted to determine whether it is in the best interests of the pupil to remain in independent study, the manner, time, frequency, and place for submitting a pupil's assignments and for reporting his or her progress, and requiring a written agreement for each independent study pupil to be maintained on file.

This bill would extend these provisions to charter schools, and would require a school district, county office of education, or charter school to adopt different policies to be eligible to receive apportionments for independent study pupils, including; policies requiring periodic contact, *as defined*, between the certificated employee providing instruction and the pupil to assess whether satisfactory educational progress, as defined, is made. The bill would require the written agreement for each independent study pupil that is maintained on file to include ~~different~~ *additional* information, and would authorize the written agreement to be maintained in a paper or electronic copy, as defined. The bill would authorize independent study to commence upon receipt of an electronic copy of the agreement.

~~(5) Existing law prohibits a local educational agency, including, but not limited to, a charter school, from claiming state funding for the independent study of a pupil if the local educational agency has provided any funds or other thing of value to the pupil or his or her parent or guardian that the local educational agency does not provide to pupils who attend regular classes or their parents or guardians.~~

~~This bill would provided that this prohibition does not apply to technology-based instruction courses for which the local educational agency provides computer equipment, software, or both, or other components necessary for pupils to participate in online instruction.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 46300.8 of the Education Code is amended to read:

46300.8. (a) Commencing with the 2014–15 school year, attendance of pupils in grades 9 to 12, inclusive, under the *immediate* supervision and control of a certificated employee of the school ~~district, district or county office of education, or charter school~~ *education* who is delivering technology-based synchronous instruction shall be included in computing average daily attendance, provided that all of the following occur:

(1) The certificated employee providing the instruction confirms pupil attendance through visual recognition during the class period. A pupil logon, without any other pupil identification, is not sufficient to confirm pupil attendance.

(2) The class has regularly scheduled starting and ending times, and the pupil is scheduled to attend the entire class period. Average daily attendance shall be counted only for attendance in classes held at the regularly scheduled time.

(3) An individual with exceptional needs, as defined in Section 56026, may participate in technology-based synchronous instruction only if his or her individualized education program developed pursuant to Article 3 (commencing with Section 56340) of Chapter 4 of Part 30 specifically provides for that participation.

(4) If a school ~~district, district or county office of education, or charter school~~ *education* elects to offer technology-based synchronous instruction pursuant to this paragraph, the school ~~district, district or county office of education, or charter school~~ *education* shall not deny enrollment to a pupil based solely on the pupil's lack of access to the computer hardware or software necessary to participate in the technology-based synchronous instruction course. If a pupil chooses to enroll in a technology-based synchronous instruction course and does not have access to the necessary equipment, the school ~~district, district or county office of education, or charter school~~ *education* shall provide, for each pupil who chooses to enroll in a technology-based synchronous instruction course, access to the computer hardware or software necessary to participate in the technology-based synchronous instruction course.

(5) The ratio of average daily attendance for technology-based pupils who are 18 years of age or younger to school district full-time equivalent certificated employees responsible for technology-based synchronous instruction, calculated as specified by the department, shall not exceed the equivalent ratio of pupils to full-time certificated employees for all other educational programs operated by the school district, unless a higher or lower ratio is negotiated in a collective bargaining agreement.

(6) The ratio of average daily attendance for technology-based pupils who are 18 years of age or younger to county office of education full-time equivalent certificated employees who provide technology-based synchronous instruction, to be calculated in a manner prescribed by the department, shall not exceed the equivalent ratio of pupils to full-time certificated employees for all other educational programs operated by the high school or unified school district with the greatest average daily attendance of pupils in that county, unless a higher or lower ratio is provided for in a collective bargaining agreement. The computation of the ratios specified in paragraph (5) and this paragraph shall be performed annually by the reporting agency at the time of, and in connection with, the second principal apportionment report to the Superintendent.

(b) The Superintendent shall establish rules and regulations for purposes of implementing this section that address all of the following:

(1) ~~How school districts, districts or county offices of education, or charter schools education~~ include pupil attendance in technology-based synchronous instruction courses in the calculation of average daily attendance pursuant to Section 46300.

(2) How to ensure a pupil meets minimum instructional time requirements pursuant to the following:

(A) Section 46141 and Section 46201, 46201.5, or 46202, as applicable, for pupils enrolled in a noncharter school in a school district or county office of education.

(B) Section 46170, for pupils enrolled in a continuation school.

(C) Section 46180, for pupils enrolled in an opportunity school.

(3) Require statewide testing results for technology-based pupils to be reported and assigned to the school in which the pupil is enrolled for regular classroom courses, and to any school district, ~~district or county office of education, or charter school education~~

1 within which that school's testing results are aggregated. Testing  
2 results may be disaggregated for the purpose of comparing  
3 technology-based pupils' testing results to the results of those  
4 pupils enrolled ~~for~~ *in* regular classroom courses.

5 (4) Require attendance accounted for pursuant to this section  
6 to be subject to the audit conducted pursuant to Section 41020.

7 (c) The Superintendent may provide guidance regarding the  
8 ability of a school ~~district~~, *district or* county office of education;  
9 ~~or charter school education~~ to provide technology-based  
10 synchronous instruction.

11 (d) A technology-based synchronous instruction course shall  
12 be approved by the governing board of the school district or county  
13 office of education, ~~or by the governing body of the charter school~~;  
14 shall be as rigorous as a classroom-based course, and shall meet  
15 or exceed all relevant state content standards.

16 (e) For purposes of this section, "technology-based synchronous  
17 instruction" means a class or course in which the pupil and the  
18 certificated employee who is providing instruction are online at  
19 the same time through the use of electronic means, including, but  
20 not necessarily limited to, the use of real-time, Internet-based  
21 collaborative software that combines audio, video, file sharing,  
22 and other forms of interaction.

23 (f) *This section shall become inoperative on July 1, 2019, and,*  
24 *as of January 1, 2020, is repealed, unless a later enacted statute,*  
25 *that becomes operative on or before January 1, 2020, deletes or*  
26 *extends the dates on which it becomes inoperative and is repealed.*

27 ~~SEC. 2. Section 46300.9 is added to the Education Code, to~~  
28 ~~read:~~

29 ~~46300.9. (a) Commencing with the 2014-15 school year,~~  
30 ~~attendance of pupils in grades 9 to 12, inclusive, under the~~  
31 ~~supervision of a certificated employee of the school district, county~~  
32 ~~office of education, or charter school who is delivering~~  
33 ~~technology-based asynchronous instruction shall be included in~~  
34 ~~computing average daily attendance, provided that all of the~~  
35 ~~following occur:~~

36 ~~(1) (A) Periodic contact between the certificated employee~~  
37 ~~providing instruction and the pupil to assess whether satisfactory~~  
38 ~~educational progress is made.~~

39 ~~(B) If satisfactory educational progress is not made, a certificated~~  
40 ~~employee shall notify the pupil and the pupil's parent or guardian.~~

1     ~~(C) If satisfactory educational progress is not made, an~~  
2     ~~evaluation shall be conducted to determine whether it is in the best~~  
3     ~~interests of the pupil to remain in technology-based asynchronous~~  
4     ~~instruction, or whether he or she should return to the regular school~~  
5     ~~program. A written record of the findings of any evaluation made~~  
6     ~~pursuant to this subdivision shall be treated as a mandatory interim~~  
7     ~~pupil record. The record shall be maintained for a period of three~~  
8     ~~years from the date of the evaluation and, if the pupil transfers to~~  
9     ~~another California public school, the record shall be forwarded to~~  
10    ~~that school. A pupil shall not continue to participate in~~  
11    ~~technology-based asynchronous instruction without evidence of~~  
12    ~~satisfactory educational progress unless technology-based~~  
13    ~~asynchronous instruction is determined by the district or county~~  
14    ~~superintendent, or charter administrator, to be in the best interest~~  
15    ~~of the pupil.~~

16    ~~(D) For purposes of this section, “satisfactory educational~~  
17    ~~progress” includes meeting measures such as applicable statewide~~  
18    ~~accountability measures and assessments, the completion of~~  
19    ~~assignments, required laboratories or online workgroups, or other~~  
20    ~~indicators that the pupil is working on assignments and learning~~  
21    ~~required concepts, as determined by the supervising certificated~~  
22    ~~employee.~~

23    ~~(2) A current written agreement for each pupil engaged in~~  
24    ~~technology-based asynchronous instruction is maintained on file~~  
25    ~~in a paper or electronic copy. The written agreement shall include~~  
26    ~~a copy of the governing board’s technology-based asynchronous~~  
27    ~~instruction authorization, and shall include, but is not limited to,~~  
28    ~~all of the following:~~

29    ~~(A) A statement of the policies adopted pursuant to paragraph~~  
30    ~~(1) and as determined by each local educational agency that~~  
31    ~~specifies periodic contact between pupils and certificated~~  
32    ~~employees and identifies the accountability measures and~~  
33    ~~assessments that will be used to determine satisfactory educational~~  
34    ~~progress.~~

35    ~~(B) The duration of the technology-based asynchronous~~  
36    ~~instruction written agreement.~~

37    ~~(C) A statement of the number of course credits to be earned~~  
38    ~~by the pupil upon completion. In all cases, the authorization for~~  
39    ~~technology-based asynchronous instruction shall include the~~

1 learning objectives required to achieve satisfactory educational  
2 progress.

3 (D) The inclusion of a statement in each technology-based  
4 asynchronous instruction agreement that technology-based  
5 asynchronous instruction is an optional educational alternative in  
6 which no pupil may be required to participate. In the case of a  
7 pupil who is referred or assigned to any school, class, or program  
8 pursuant to Section 48915 or 48917, the agreement also shall  
9 include the statement that instruction may be provided to the pupil  
10 through technology-based asynchronous instruction only if the  
11 pupil is offered the alternative of classroom instruction.

12 (E) The signatures, affixed before the commencement of  
13 technology-based asynchronous instruction, of the pupil, the pupil's  
14 parent, legal guardian, or caregiver if the pupil is less than 18 years  
15 of age, and the certificated employee who has been designated as  
16 having responsibility for the general supervision of  
17 technology-based asynchronous instruction. For purposes of this  
18 paragraph "caregiver" means a person who has met the  
19 requirements of Part 1.5 (commencing with Section 6550) of  
20 Division 11 of the Family Code.

21 (b) Technology-based asynchronous instruction may commence  
22 upon receipt of an electronic copy of the agreement specified in  
23 paragraph (2) of subdivision (a):

24 (c) For purposes of this section, an "electronic copy" includes  
25 a computer or electronic stored image of an original document,  
26 including, but not limited to, portable document format (PDF),  
27 JPEG, or other digital image file type, which may be sent via fax  
28 machine, e-mail, or other electronic means.

29 (d) As a condition of apportionment, local educational agencies  
30 shall retain written or electronic documentation that demonstrates  
31 satisfactory educational progress for pupils engaged in  
32 technology-based asynchronous instruction.

33 (e) An individual with exceptional needs, as defined in Section  
34 56026, may participate in technology-based asynchronous  
35 instruction only if his or her individualized education program  
36 developed pursuant to Article 3 (commencing with Section 56340)  
37 of Chapter 4 of Part 30 specifically provides for that participation.

38 (f) If a school district, county office of education, or charter  
39 school elects to offer technology-based asynchronous instruction  
40 pursuant to this section, the school district, county office of



1 education, or charter school shall not deny enrollment to a pupil  
2 based solely on the pupil's lack of access to the computer hardware  
3 or software necessary to participate in the technology-based  
4 asynchronous instruction course. If a pupil chooses to enroll in a  
5 technology-based asynchronous instruction course and does not  
6 have access to the necessary equipment, the school district, county  
7 office of education, or charter school shall provide, for each pupil  
8 who chooses to enroll in a technology-based asynchronous  
9 instruction course, access to the computer hardware or software  
10 necessary to participate in the technology-based asynchronous  
11 instruction course.

12 (g) ~~A technology-based asynchronous instruction course shall~~  
13 ~~be approved by the governing board of the school district or county~~  
14 ~~office of education, or by the governing body of the charter school;~~  
15 ~~shall be as rigorous as a classroom-based course, and shall meet~~  
16 ~~or exceed all relevant state content standards.~~

17 (h) ~~For purposes of this section, "technology-based~~  
18 ~~asynchronous instruction" means a class or course in which the~~  
19 ~~pupil and the certificated employee who is providing instruction~~  
20 ~~may be online at different times, allowing pupils and certificated~~  
21 ~~employees to participate according to their own schedules.~~  
22 ~~Communication and interaction may occur via electronic means,~~  
23 ~~including, but not limited to, real-time, Internet-based collaborative~~  
24 ~~software that combines audio, video, file sharing, and other forms~~  
25 ~~of interaction.~~

26 ~~SEC. 3.~~

27 *SEC. 2.* Section 51745 of the Education Code is amended to  
28 read:

29 51745. (a) Commencing with the 1990–91 school year, the  
30 governing board of a school district or a county office of education  
31 may offer independent study to meet the educational needs of  
32 pupils in accordance with the requirements of this article.  
33 Educational opportunities offered through independent study may  
34 include, but shall not be limited to, the following:

35 (1) Special assignments extending the content of regular courses  
36 of instruction.

37 (2) Individualized study in a particular area of interest or in a  
38 subject not currently available in the regular school curriculum.

1 (3) Individualized alternative education designed to teach the  
2 knowledge and skills of the core curriculum. Independent study  
3 shall not be provided as an alternative curriculum.

4 (4) Continuing and special study during travel.

5 (5) Volunteer community service activities and leadership  
6 opportunities that support and strengthen pupil achievement.

7 (b) Not more than 10 percent of the pupils participating in an  
8 opportunity school or program, or a continuation high school,  
9 calculated by prior year average daily attendance reported to the  
10 department, shall be eligible for apportionment credit for  
11 independent study pursuant to this article. A pupil who is pregnant  
12 or is a parent who is the primary caregiver for one or more of his  
13 or her children shall not be counted within the 10 percent cap.

14 (c) An individual with exceptional needs, as defined in Section  
15 56026, shall not participate in independent study, unless his or her  
16 individualized education program developed pursuant to Article  
17 3 (commencing with Section 56340) of Chapter 4 of Part 30  
18 specifically provides for that participation.

19 (d) A temporarily disabled pupil shall not receive individual  
20 instruction pursuant to Section 48206.3 through independent study.

21 (e) No course included among the courses required for high  
22 school graduation under Section 51225.3 shall be offered  
23 exclusively through independent study.

24 ~~SEC. 4.~~

25 *SEC. 3.* Section 51745.6 of the Education Code is amended to  
26 read:

27 51745.6. (a) The ratio of average daily attendance for  
28 independent study pupils 18 years of age or less to school district  
29 full-time equivalent certificated employees responsible for  
30 independent study, calculated as specified by the department, shall  
31 not exceed the equivalent ratio of pupils to full-time certificated  
32 employees for all other educational programs operated by the  
33 school district, unless a different ratio is established through a  
34 locally bargained agreement. The ratio of average daily attendance  
35 for independent study pupils 18 years of age or less to county office  
36 of education full-time equivalent certificated employees responsible  
37 for independent study, to be calculated in a manner prescribed by  
38 the department, shall not exceed the equivalent ratio of pupils to  
39 full-time certificated employees for all other educational programs  
40 operated by the high school district or unified school district with

1 the largest average daily attendance of pupils in that county, unless  
2 a different ratio is established through a locally bargained  
3 agreement. The computation of those ratios shall be performed  
4 annually by the reporting agency at the time of, and in connection  
5 with, the second principal apportionment report to the  
6 Superintendent.

7 (b) Only those units of average daily attendance for independent  
8 study that reflect a pupil-teacher ratio that does not exceed the  
9 ratio described in subdivision (a) shall be eligible for apportionment  
10 pursuant to Section 42238.5, for school districts, and Section 2558,  
11 for county offices of education. This section shall not prevent a  
12 school district or county office of education from serving additional  
13 units of average daily attendance greater than the ratio described  
14 in subdivision (a), except that those additional units shall not be  
15 funded pursuant to Section 42238.5 or ~~Section 2558~~.

16 (c) The calculations performed for purposes of this section shall  
17 not include either of the following:

18 (1) The average daily attendance generated by special education  
19 pupils enrolled in special day classes on a full-time basis, or the  
20 teachers of those classes.

21 (2) The average daily attendance or teachers in necessary small  
22 schools that are eligible to receive funding pursuant to Article 4  
23 (commencing with Section 42280) of Chapter 7 of Part 24 of  
24 Division 3.

25 (d) The pupil-teacher ratio described in subdivision (a) in a  
26 unified school district participating in the class size reduction  
27 program pursuant to Chapter 6.10 (commencing with Section  
28 52120) may, at the school district's option, be calculated separately  
29 for kindergarten and grades 1 to 6, inclusive, and for grades 7 to  
30 12, inclusive.

31 (e) The pupils-to-certificated-employee ratio described in  
32 subdivision (a) may, in a charter school, be calculated by using a  
33 fixed pupils-to-certificated-employee ratio of 25 to one, or by being  
34 a ratio of less than 25 pupils per certificated employee. All charter  
35 school pupils, regardless of age, shall be included in  
36 pupils-to-certificated-employee ratio calculations.

37 ~~SEC. 5.~~

38 *SEC. 4.* Section 51747 of the Education Code is amended to  
39 read:

1 51747. (a) A school district, county office of education, or  
2 charter school shall not be eligible to receive apportionments for  
3 independent study by pupils, regardless of age, unless it has  
4 adopted written policies, and has implemented those policies,  
5 pursuant to rules and regulations adopted by the Superintendent,  
6 ~~that require,~~ *include*, at a minimum, all of the following:

7 *(1) The maximum length of time, by grade level and type of*  
8 *program, that may elapse between the time an independent study*  
9 *assignment is made and the date by which the pupil must complete*  
10 *the assigned work.*

11 ~~(1)~~  
12 (2) (A) ~~Periodic~~ *(i) A requirement of periodic* contact between  
13 the certificated employee providing instruction and the pupil to  
14 assess whether satisfactory educational progress is made.

15 *(ii) For purposes of this section, “periodic contact” means*  
16 *communication that occurs at least twice per month and consists*  
17 *of either in-person interaction or interaction through electronic*  
18 *means, including, but not necessarily limited to, the use of*  
19 *real-time, Internet-based collaborative software that combines*  
20 *audio, video, file sharing, and other forms of interaction.*

21 (B) If satisfactory educational progress is not made, a certificated  
22 employee shall notify the pupil and the pupil’s parent or guardian.

23 (C) If satisfactory educational progress is not made, an  
24 evaluation shall be conducted to determine whether it is in the best  
25 interests of the pupil to remain in independent study, or whether  
26 he or she should return to the regular school program. A written  
27 record of the findings of any evaluation made pursuant to this  
28 subdivision shall be treated as a mandatory interim pupil record.  
29 The record shall be maintained for a period of three years from  
30 the date of the evaluation and, if the pupil transfers to another  
31 California public school, the record shall be forwarded to that  
32 school. A pupil shall not continue to participate in independent  
33 study without evidence of satisfactory educational progress unless  
34 independent study is determined by the district or county  
35 superintendent, or charter administrator or designee, to be in the  
36 best interest of the pupil.

37 (D) For purposes of this section, “satisfactory educational  
38 progress” includes meeting measures such as applicable statewide  
39 accountability measures and assessments, the completion of  
40 assignments, *locally approved or state-approved formative*

1 *assessments*, required laboratories or online workgroups, or other  
2 indicators that the pupil is working on assignments and learning  
3 required concepts, as determined by the supervising certificated  
4 employee.

5 ~~(2)~~

6 *(3) A requirement of a current written agreement for each*  
7 *independent study pupil that is maintained on file in a paper or*  
8 *electronic copy. The written agreement shall include a copy of the*  
9 *governing board's independent study authorization, and shall*  
10 *include, but is not limited to, all of the following:*

11 *(A) The manner, time, frequency, and place for submitting a*  
12 *pupil's assignments and for reporting his or her progress.*

13 *(B) The objectives and methods of study for the pupil's work,*  
14 *and the methods used to evaluate that work.*

15 *(C) The specific resources, including materials and personnel,*  
16 *that will be made available to the pupil.*

17 ~~(A)~~

18 *(D) A statement of the policies adopted pursuant to paragraph*  
19 ~~(+)~~ *(2) and as determined by each local educational agency that*  
20 *specifies periodic contact between pupils and certificated*  
21 *employees and identifies the accountability measures and*  
22 *assessments that will be used to determine satisfactory educational*  
23 *progress. In all cases, the authorization for independent study shall*  
24 *include the learning objectives required to achieve satisfactory*  
25 *educational progress.*

26 ~~(B)~~

27 *(E) The duration of the independent study agreement, including*  
28 *the beginning and ending dates for the pupil's*  
29 *participation in independent study under the agreement. No*  
30 *independent study agreement shall be valid for any period longer*  
31 *than one semester, or one-half year for a school on a year-round*  
32 *calendar.*

33 ~~(C)~~

34 *(F) A statement of the number of course credits or, for the*  
35 *elementary grades, other measures of academic accomplishment*  
36 *appropriate to the agreement, to be earned by the pupil upon*  
37 *completion.*

38 ~~(D)~~

39 *(G) The inclusion of a statement in each independent study*  
40 *agreement that independent study is an optional educational*

1 alternative in which no pupil may be required to participate. In the  
2 case of a pupil who is referred or assigned to any school, class, or  
3 program pursuant to Section 48915 or 48917, the agreement also  
4 shall include the statement that instruction may be provided to the  
5 pupil through independent study only if the pupil is offered the  
6 alternative of classroom instruction.

7 ~~(E)~~

8 *(H)* The signatures, affixed before the commencement of  
9 independent study, of the pupil, the pupil's parent, legal guardian,  
10 or caregiver if the pupil is less than 18 years of age, and the  
11 certificated employee who has been designated as having  
12 responsibility for the general supervision of independent study.  
13 For purposes of this paragraph "caregiver" means a person who  
14 has met the requirements of Part 1.5 (commencing with Section  
15 6550) of Division 11 of the Family Code.

16 (b) Independent study may commence upon receipt of an  
17 electronic copy of the agreement specified in paragraph~~(2)~~ (3) of  
18 subdivision (a).

19 (c) For purposes of this section, an "electronic copy" includes  
20 a computer or electronic stored image of an original document,  
21 including, but not limited to, portable document format (PDF),  
22 JPEG, or other digital image file type, which may be sent via fax  
23 machine, email, or other electronic means.

24 (d) As a condition of apportionment, local educational agencies  
25 shall retain written or electronic documentation that demonstrates  
26 satisfactory educational progress for independent study pupils.

27 ~~SEC. 6. Section 51747.3 of the Education Code is amended to~~  
28 ~~read:~~

29 ~~51747.3. (a) (1) Notwithstanding any other law, a local~~  
30 ~~educational agency, including, but not limited to, a charter school,~~  
31 ~~may not claim state funding for the independent study of a pupil,~~  
32 ~~whether characterized as home study or otherwise, if the local~~  
33 ~~educational agency has provided any funds or other thing of value~~  
34 ~~to the pupil or his or her parent or guardian that the local~~  
35 ~~educational agency does not provide to pupils who attend regular~~  
36 ~~classes or to their parents or guardians. A charter school may not~~  
37 ~~claim state funding for the independent study of a pupil, whether~~  
38 ~~characterized as home study or otherwise, if the charter school has~~  
39 ~~provided any funds or other thing of value to the pupil or his or~~  
40 ~~her parent or guardian that a school district could not legally~~

1 provide to a similarly situated pupil of the school district, or to his  
2 or her parent or guardian.

3 ~~(2) Paragraph (1) does not apply to technology-based instruction~~  
4 ~~courses for which the local educational agency provides computer~~  
5 ~~equipment, software, or both, or other components necessary for~~  
6 ~~pupils to participate in online instruction.~~

7 ~~(b) Notwithstanding paragraph (1) of subdivision (d) of Section~~  
8 ~~47605 or any other law, community school and independent study~~  
9 ~~average daily attendance shall be claimed by school districts,~~  
10 ~~county superintendents of schools, and charter schools only for~~  
11 ~~pupils who are residents of the county in which the apportionment~~  
12 ~~claim is reported, or who are residents of a county immediately~~  
13 ~~adjacent to the county in which the apportionment claim is~~  
14 ~~reported.~~

15 ~~(c) The Superintendent shall not apportion funds for reported~~  
16 ~~average daily attendance, through full-time independent study, of~~  
17 ~~pupils who are enrolled in school pursuant to subdivision (b) of~~  
18 ~~Section 48204.~~

19 ~~(d) In conformity with Provisions 25 and 28 of Section 2.00 of~~  
20 ~~the Budget Act of 1992, this section is applicable to average daily~~  
21 ~~attendance reported for apportionment purposes beginning July 1,~~  
22 ~~1992. The provisions of this section are not subject to waiver by~~  
23 ~~the state board, by the Superintendent, or under any provision of~~  
24 ~~Part 26.8 (commencing with Section 47600).~~